

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

07 Cr. 736 (S-1) (CPS)

-against-

RICARDO FANCHINI,

AFFIRMATION

Defendant.

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RICCARDO ROTMANN, pursuant to 28 United States Code, Section 1746, declares the following:

1. My name is Riccardo Rotmann. I am charged in the above-referenced indictment as “Ricardo Marian Fanchini.” and am incarcerated at the Metropolitan Detention Center (“MDC”) in Brooklyn under my true and correct name. I make this affidavit for the purpose of informing the Court about certain conditions of my pre-trial detention and the effect these conditions have on my ability to prepare for trial.

2. I have been at the MDC since my extradition from London on January 31, 2008. My native language is Polish. I speak, understand and read English. I do not, however, write in English. For this reason, my attorney has helped me to prepare this affidavit.

3. I am 53-years old and suffer from a herniated disc, for which I have received treatment from my personal physician in Belgium, Dr. Danny Deschuttere. At times, this condition makes it exceedingly difficult for me to walk or sit-up straight. I am currently housed in the “old building” of the MDC in unit 3N. This unit is a dormitory housing approximately 120 inmates on bunk beds. The vast majority of the inmates on my unit are young men, under the age of thirty. I have been assigned a top-bunk. Due to my back condition, it is difficult for

me to climb onto my bed. Once on my bed, I am unable to sit-up straight. I have made several requests to be moved to a lower bunk and to be seen by a physician. I have provided the MDC with a letter from Dr. Deschuttere attesting to my back condition. Despite my requests, I have not been moved to a lower bunk and have not been given the opportunity to see a physician.

4. Through my attorneys, I have been informed that the government has produced over 40 boxes of documents that are relevant to my case. I have been further informed that there is significantly more discovery that will be produced in the coming months. At this point, my attorneys have provided me with approximately 8000 pages of documents produced by the government, as well as with a compact disc containing audio recordings of wiretaps and other recordings relevant to my case. These documents and recordings are in several different languages, including German, Russian, Polish, Dutch and Spanish.

6. Despite several requests to the MDC administration, I do not have a secure place to store my legal documents. I have specifically requested that I be provided with a plastic storage bin in which to keep my papers. This request was never answered. My documents – with the exception of the compact disc – are stored on the floor underneath my assigned bunk-bed, in the cardboard box in which they were sent to me. My papers have been rummaged through and stolen by other inmates, who, among other things, use them as scrap paper to score card games. My unit counselor informed me that the compact disc, and any others that I will receive, will be held for me in the law library.

7. Storage problems aside, there is no physical space for me to review documents on my unit. I cannot review documents on my top-bunk bed because the space, and my back condition, prevent me from sitting up straight. I cannot review documents in the day-room


because this room is controlled by other certain inmate groups. On several occasions when I have attempted to use this room to work, I have been made to leave after a short period of time.

8. I am informed my by counselor that each unit is assigned one two-hour slot per week, on a specified day, in the law library. My unit's assigned day is Wednesday. On Monday, June 2, 2008, I requested to be permitted to go to the law library this week to review a compact disc that I received the previous week. My request was denied. I was informed that only ten people from each unit per week are permitted to use the law library each week and that that number had already been reached. I was placed on a "standby list" in the event that any space became available.

9. I am informed by my attorneys that this compact disc contains approximately twelve hours of recordings that may be relevant to my case, and that these recordings are in a foreign language, which my attorneys believe to be either Russian or Polish. Under the MDC's regulations, and assuming that I am permitted to attend the law library on each day assigned to my unit, it will take me at least six weeks to review this single compact disc. I am informed by my attorneys that this compact disc is only a small sampling of the audio recordings which I will be required to review.

I declare under penalty of perjury that that foregoing is true and correct.

Dated: Brooklyn, New York
June 9, 2008


Riccardo Rotmann